



STATE OF MICHIGAN

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GOVERNOR

DEPARTMENT OF LABOR & ECONOMIC GROWTH  
ROBERT W. SWANSON  
DIRECTOR

Michigan Occupational  
Safety & Health Administration  
(MIOSHA)

## CONSTRUCTION SAFETY STANDARDS COMMISSION MEETING

June 26, 2007—9:30p.m.

State Secondary Complex—General Office Building  
2nd Floor, Conference Room G – Lansing, Michigan

### MINUTES

#### COMMISSIONERS PRESENT:

Lynn Coleman  
Don Staley  
Valerie Bradley

Patrick 'Shorty' Gleason  
Gregg Newsom

#### COMMISSIONERS ABSENT:

Peter Strazdas

Larry Redfearn

#### STAFF PRESENT:

Doug Kalinowski	MIOSHA Director
Martha Yoder	MIOSHA Deputy Director
Marsha Parrott-Boyle	MIOSHA Standards Section Program Manager
Bob Pawlowski	MIOSHA Construction Safety & Health Division Director
Cindy D. Eicher	MIOSHA Standards Section Secretary
John Peck	MIOSHA Management & Technical Services Division Director
Christine Hundt	MIOSHA Standards Section Departmental Analyst
Tony Allam	MIOSHA Construction Safety & Health Division
Tom Swindlehurst	MIOSHA Consultation, Education & Training Division

#### VISITORS:

Keith Sarns  
Kathy Dobson

Terry Sharp  
Andrew Richner

#### MISSION STATEMENT

*THE MISSION OF THE CONSTRUCTION SAFETY STANDARDS COMMISSION IS TO PROVIDE THE LEADERSHIP AND VISION NECESSARY TO ENSURE A SAFE WORK ENVIRONMENT FOR THE MICHIGAN CONSTRUCTION COMMUNITY.*

*THE COMMISSION INVOLVES EMPLOYEES AND EMPLOYERS IN THE DEVELOPMENT OF SAFETY STANDARDS AS IT ENDEAVORS TO CONTINUALLY EXAMINE AND IMPROVE THOSE STANDARDS FOR PURPOSE, CLARITY, APPLICABILITY, ENFORCEABILITY, AND COST EFFECTIVENESS.*

*IT IS OUR VISION THAT WE BECOME A NATIONAL LEADER IN SAFETY FOR INDUSTRY BY INCORPORATING THE CHANGING NEEDS OF NEW TECHNOLOGIES AND METHODS INTO OUR STANDARDS.*

**Agenda Item #1--Call to Order and Roll Call**

Chairperson Gleason called the June 26, 2007 meeting to order. A roll call was taken and a quorum was present. Chairperson Gleason had all staff, commissioners and visitors introduce themselves.

**Agenda Item #2--Approval of Minutes for February 7, 2007 Meeting**

A motion was made by Commissioner Coleman and seconded by Commissioner Bradley to approve the minutes of the May 9, 2007 meeting. **MOTION CARRIED UNANIMOUSLY.**

**Agenda Item #3--Standards Section Update-- Marsha Parrott-Boyle, Program Manager**

Ms. Marsha Parrott-Boyle reviewed the "MIOSHA Goals for FY 2004-2009" and indicated the Standards Section is striving to reduce the backlog of standards to be revised by 70% in this five-year period. MIOSHA is currently in the 4<sup>th</sup> year of the 5 year cycle. Ms. Parrott-Boyle reviewed the progress of rules undergoing revision in detail. GI Part 76 Spray Finishing, OH Part 526 Dipping and Coating and GI Part 39 Design for Electrical Systems were completed and removed from the backlog list since the last meeting. GI Part 76 and OH Part 526 were a consolidation of similar standards. GI Part 39 contains substantial changes and additions. Copies were distributed to commissioners. The Aerial Work Platforms package is moving through the promulgation process.

The Communication Towers Advisory Committee has completed their review and will be presenting a report on their work later in the meeting. Air Contaminants continues to move through the promulgation process to reflect current permissible exposure limits. The next Advisory Committee to start meeting will be CS Part 2 Masonry Wall Bracing. The Commission will review applications for that advisory committee later in the meeting.

**Agenda Item #4--Old Business**

**b. Communication Tower Advisory Committee Draft Standard**

Ms. Christine Hundt reviewed the background including a 1993 fatality in the construction tower industry. Ms. Hundt gave the commissioners background information regarding the members who served on the advisory committee. The 2005 North Carolina Communication Tower Standard was used as the base for the advisory committee to begin drafting the proposed standard however many changes and additions were made. A copy of the proposed draft standard was provided to commissioners. Ms. Hundt outlined the focus areas of the proposed draft standard.

Mr. Terry Sharp thanked the commission for the opportunity to serve on the committee. Mr. Sharp also thanked MIOSHA staff for their guidance and assistance throughout the process. Mr. Sharp indicated the committee members worked well together and had diverse backgrounds and were able to work on consensus basis. The draft standard also sits on OSHA secretary Faulk's desk to be added to the regulatory agenda

Mr. Keith Sarns stated he felt the proposed draft standard was the best foundation that could be developed and it is something that he feels is workable. He indicated there were times the advisory committee members did not all agree but were able to work through differences.

Commissioner Staley asked about hoisting personnel and if the requirements in the proposed communication tower draft related to the new CS Part 28 which outlines requirements for riding the headache ball. Mr. Tony Allam of the Construction Safety and Health Division outlined the differences between the two situations.

Rescue was one major area of contention; there were some fairly unrealistic requirements. North Carolina had a fatality shortly before the standard was submitted that caused them to reconsider some requirements. North Carolina's 2005 standard was revised in 2006 with changes effective in 2007 which changed some of the provisions that Michigan's advisory committee had already taken into consideration. North Carolina also added more provisions regarding radio frequency. North Carolina did not have an advisory committee. NATE (National Association of Tower Erectors) had to submit their input through the legislative process. The original draft was 80-85 pages and was condensed to approximately 20 pages.

Andrew Richner representing Verizon asked what the next step was. Staff advised the proposed draft standard will be published in the Michigan Register and will be set for public hearing after notice is given in public newspapers. Mr. Richner asked what the latest draft included and was advised that all the changes that the committee agreed upon at their May 31<sup>st</sup> meeting have been included.

Commissioner Staley asked for clarification on page 5 (8)(a)(i)(B) regarding the 100% fall protection and what that included and how compliance can be measured. Mr. Sharp indicated that the committee looked at all items from both an industry and enforcement viewpoint and felt this language made it as clear as possible for both groups. Commissioner Newsom thanked the staff and advisory committee members from both enforcement and industry that have provided the commissioners the background and technical details. Ms. Parrott-Boyle advised that two of the advisory committee members traveled from out of state to come to Lansing for meetings and did not request travel reimbursement. Eventually they were able to attend some meetings via teleconferencing and their input was very helpful. The commitment from all members is greatly appreciated and was beneficial.

A Motion was made by Commissioner Coleman and supported by Commissioner Newsom to accept the proposed draft standard as presented by the advisory committee and move it forward in the process. **MOTION CARRIED UNANIMOUSLY.**

Mr. Gleason thanked Christine Hundt and the advisory committee representatives for their dedication and hard work.

#### **b. Masonry Wall Bracing Advisory Committee Applications**

Ms. Marsha Parrott-Boyle outlined the background of the request to revise this standard. Commissioners received a copy of the current roster for the Masonry Wall Bracing Advisory Committee. Ms. Parrott-Boyle outlined the new applications that were in front of the commission today. A motion was made by Commissioner Newsom and supported by Commissioner Coleman to appoint the three applicants being Josh Irving as a management representative and Raymond Chapman and Paul Gassel as labor representatives to give the advisory committee a total of five management and five labor representatives. **MOTION CARRIED UNANIMOUSLY.**

This advisory committee will begin meeting in the near future and progress reports will be provided to the commission. Christine Hundt will facilitate this group.

#### **Agenda Item #5--New Business**

None.

**Agenda Item #6--Construction Safety & Health Division Update—Bob Pawlowski, Director**

Mr. Pawlowski reviewed construction related fatalities for calendar year 2007. There have been two additional fatalities since the last commission meeting; this brings the total to six programmed related fatalities investigated by Construction Safety & Health Division (CSHD) so far in 2007. By category there have been; three falls, one electrocution, one crushed and one struck-by.

The CSHD has posted on the MIOSHA website 19 "Construction Fact Sheets". The latest fact sheet posted was Youth Worker Safety: The Construction Industry. Mr. Pawlowski updated the commission on the current alliances and partnerships as well as progress on their projects. A listing of partnerships and alliances was provided.

Mr. Pawlowski informed the commissioners that CSHD currently has new first line supervisor, Felix Acevedo who has experience in CET and Appeals and has good background dealing with enforcement and appeal issues. Mr. Acevedo will begin working for CSHD on July 2<sup>nd</sup>. The division has also posted job openings for two safety field compliance officers. Information is on the civil service website.

**Agenda Item #7--Michigan OSHA Update—Doug Kalinowski, Director**

Mr. Doug Kalinowski advised that there are three significant cases coming down the pipes in the next few weeks, each with over \$100,000 in penalties, they do not involve fatalities however, one did have a significant injury. They are all general industry cases, one with \$236,000 in penalties should be released tomorrow.

Mr. Kalinowski stated that the fatality reports are provided to keep the commissioners aware of programmed related fatalities in the state of Michigan, however he wanted to remind the commissioners that MIOSHA's goal is to prevent fatalities.

The General Industry Safety and Health Division uses a combination of targeting approaches including high hazard and workers compensation data. MISOHA is using the same list for consultant and enforcement to determine employers to visit. We are notifying companies that are on the list that they appear on the list and may be contacted. To date 3,000 letters have been sent out to employers and another 3000 letters will be sent out in the near future. The letter advises employers they may be inspected and offers the assistance of the CET program services in order to allow them to take a proactive course of action and fix items voluntarily. This gives not only the employer an opportunity to correct problems but hopefully avoid injuries that may have occurred to employees if these changes had not taken place.

Mr. Kalinowski commented that 33 of the 77 employers that had reinspections conducted had made improvements and will be getting letters giving them positive recognition and feedback. Mr. Kalinowski advised that the comment cards continue to come in with much positive feedback.

Budget issues continue but thankfully the temporary layoffs discussed were not implemented. Mr. Kalinowski thanked John Peck and his staff for their dedicated work on the budget issues. He remarked it is difficult to work on spending available money by the end of the fiscal year while at the same time ensuring not to go over the available funds. Staffing levels within MIOSHA have stayed the same. All state plans will be asking for more federal money next year.

Ms. Martha Yoder said this fall MIOSHA will start the process of developing the next 5 year strategic plan. It is a very interesting process and many different ideas are submitted on where individuals feel we should focus our efforts and what industries we will focus more emphasis on. John Peck's group is putting together a list of what industries have higher injury and illness rates. Ms. Yoder invited the commissioners to submit any ideas or suggestions they may have.

**Agenda Item #8--Federal OSHA Update - Cynthia Hutchens-Smith, Lansing Area OSHA Office**

Ms. Cynthia Hutchens-Smith was unable to attend the meeting.

**Agenda Item #9--Next Scheduled Meeting**

The next scheduled meeting is November 7, 2007 at the General Office Building in Lansing, Michigan.

**Agenda Item #10--Public Comment**

Mr. Tony Allam of the Construction Safety and Health Division stated this would be his last meeting as he is retiring at the end of September. The commissioners thanked him for his dedication and input.

**Agenda Item #11--Adjournment**

With no further business before the Commission, the meeting was adjourned

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Patrick 'Shorty' Gleason, Chairperson

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Date